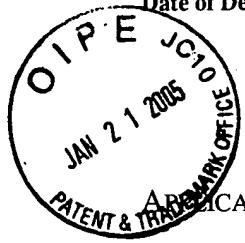


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Date of Deposit: January 21, 2005

1/24  
Attorney Docket No.: 26859-002



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Stuart Brown  
SERIAL NUMBER: 10/629,048 EXAMINER : Brian Scott Szmal  
FILING DATE: July 28, 2003 ART UNIT : 3736  
FOR: TISSUE AND FLUID SAMPLING DEVICE

### Mail Stop Amendment

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Supplemental Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (1 page), in duplicate;
3. Copies of Cited Reference: B6-9; C1; and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 26859-002. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

  
Ingrid A. Beattie, Reg. No. 42,306  
Alison McCarthy, Reg. No. 51,998  
Attorney(s) for Applicants  
c/o MINTZ, LEVIN  
Address all written correspondence to  
**Customer no.: 30623**  
Tel: (617) 542-6000  
Fax: (617) 542-2241

Date: January 21, 2005



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Stuart Brown

**SERIAL NUMBER:** 10/629,048

**EXAMINER :** Brian Scott Szmal

**FILING DATE:** July 28, 2003

**ART UNIT :** 3736

**FOR:** TISSUE AND FLUID SAMPLING DEVICE

**MAIL STOP AMENDMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action based on the merits in the above-identified case. Accordingly, no fee or certification is believed due. By the waiver of 37 CFR 1.98(a)(2)(i) a copy of the U.S. Patent A23 is not submitted.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

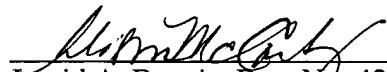
By submitting this Supplemental Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

APPLICANT: **Stuart Brown**  
U.S.S.N.: **10/629,048**

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 26859-002.

Respectfully submitted,

  
\_\_\_\_\_  
Ingrid A. Beattie, Reg. No. 42,306  
Alison McCarthy, Reg. No. 51,998  
Attorney(s) for Applicants  
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Date: January 21, 2005

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Attorney Docket No.: 26859-002



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Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Modified Form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	10/629,048
		Filing Date	July 28, 2003
		First Named Inventor	Brown
		Group Art Unit	3736
		Examiner Name	Brian Scott Szmal
		Attorney Docket Number	26859-002

U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	*A23	5,526,822	06/18/96	Burbank et al.	128	754	
U.S. PUBLISHED APPLICATION DOCUMENTS							
Exam Initials	Cite No.	U.S. Published Application No.	Published Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
FOREIGN PATENT DOCUMENTS							
Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)		Date of Publication	Translation Yes No	
	B6	WO 97/24070	JANSSENS, Jacques		07/10/97		
	B7	WO 00/44285	UNIV. COLLEGE LONDON		08/03/00		
	B8	WO 01/82998 A2	RUBICOR MEDICAL, INC.		11/08/01		
	B9	WO 02/062228 A1	TYCO HEALTHCARE GROUP LP		08/15/02		

OTHER PRIOR ART – NON-PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C1	International Search Report for PCT/US03/23551, mailed November 26, 2003.

\* By the waiver of 37 CFR 1.98(a)(2)(i) copies of the U.S. Patents A23 are not submitted.

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to applicant.

TRA 1998674v1

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